IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.176 OF 2002

Shri Bhagwan G.Dani. ..Applicant.

V/s.

Smt.Rekha M.Chhablani & ors. ..Respondents.

Mr.V.V.Purwant for applicant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 23, 2005.

P.C. :

1. I see no reason to depart from the view taken by the court below in setting aside the order passed by the Magistrate issuing process against the respondent in the Criminal case instituted by the applicant. The reasons mentioned in paragraph-5 of the impugned order to my mind are unexceptional, for which reason no interference is required.

2. Counsel for the applicant however contends that notice be issued to the respondents only to evoke response from them that the communication sent by them was not intended against the applicants. Ordinarily, I would have accepted this request. But it is seen that in paragraph-5 of the impugned order,

it is clearly observed by the court below that the contents of the notice reply which are in respect of the clients of the applicant cannot be considered as intended against the applicant personally. If it is so, there can be no reason for the applicant to institute the complaint on the ground that he himself is offended. That finding in my view will have to be upheld. In that case, the sole purpose for which counsel for the applicants was pursuading me to issue notice to respondents does not exist.

3. Accordingly, application dismissed with the above observations.